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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,972	12/05/2002	Gosta Svensson	00173.0023PCUS00	3821

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EXAMINER

ENGLISH, PETER C

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/065,972	Applicant(s) SVENSSON ET AL.	
	Examiner Peter C. English	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Priority

1. The instant application is a continuation of an international application designating the United States. In order to receive priority to the international application, applicant must establish that:

A. The international application was pending at the time the instant application was filed. This could be established by submitting a copy of the International Preliminary Examination Report.

B. The international application was abandoned with respect to the United States (i.e., applicant did not enter the national phase in the United States). This could be established by a simple statement to that affect.

See MPEP 1895 and 1895.01.

Drawings

2. The drawings are objected to because the black boxes/circles in Fig. 2 should be labeled with the appropriate descriptive text, with the reference numbers located outside of the boxes/circles and provided with lead lines.

3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to because:

In the first paragraph on page 1, the last sentence should be deleted because incorporation by reference to a foreign application is not permitted.

In paragraph 17, at line 5, "vehicles" should be "vehicle".

In the abstract, at line 6, "vehicles" should be "vehicle".

Appropriate correction is required.

Claim Objections

5. Claims 4-7 are objected to because of the following informalities:

In claim 4, at line 4, "activating the maneuvering organ" should be "the maneuvering organ is activated".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claims 1, 10, 14 and 19, the specification fails to describe the structure of the brake system which enables the brakes to be activated by the maneuvering organ, and the structure of the gearbox which enables it to be shifted to neutral by the maneuvering organ. Standard brake systems and gearboxes would have to be modified in some fashion to provide for such control.

With respect to claims 7, 12 and 18, the specification fails to describe the structure of the parking brake system which enables the parking brake to be activated by the control unit in response to input from the brake pressure sensor. Standard parking brake systems would have to be modified in some fashion to provide for such control.

With respect to claim 13, the specification fails to describe the structure of the parking brake system which enables the parking brake to be activated by the control unit when the engine is turned off. Standard parking brake systems would have to be modified in some fashion to provide for such control. Further, the specification fails to describe the device(s) used to detect that the engine is turned off.

7. Claims 1-13 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, at line 1, the phrase "controlling specific functions" renders the claim indefinite because it is unclear what constitutes a "specific" function. The examiner suggests: at line 1, delete "specific functions in".

In claim 1, at line 2, the alternative expression "and/or" renders the claim indefinite. The examiner suggests that this be changed to "or".

In claim 1, the terms "the load-carrying platform" (line 2), "the cabin" (line 3), "the driver" (line 4), "the brakes" (line 5), and "the gearbox" (line 6) lack proper antecedent basis.

In claim 1, at line 6, the term "the load-carrying vehicles" is indefinite because only one vehicle has been previously recited. The examiner suggests: at line 6, change "vehicles" to "vehicle".

Claim 1 states that the maneuvering organ "may activate the brakes and achieve a neutral position of the gearbox" (lines 7-8). Claim 1 is incomplete because the maneuvering organ alone is incapable of performing this function. The control unit, which receives input from the maneuvering organ and then controls the brakes and gearbox, is a required component and therefore should be recited in the claim.

In claim 2, the terms "the steering wheel" (line 3) and "the dumping lever" (line 3) lack proper antecedent basis.

In claim 3, the term "the dumping lever" (line 2) lacks proper antecedent basis.

In claim 4, the terms "the gear load" (line 3) and "the initial position" (lines 3-4) lack proper antecedent basis. Note that claim 1 recites a "gearbox" and a "neutral position".

In claim 6, the term "the present gear" (line 3) lacks proper antecedent basis.

In claim 7, the terms "the pressure..." (line 2) and "the parking brake" (line 3) lack proper antecedent basis.

In claim 7, at line 3, the phrase "its activation" is indefinite because it is unclear which element "its" refers to.

In claim 10, at line 1, the phrase "controlling specific functions" renders the claim indefinite because it is unclear what constitutes a "specific" function. The examiner suggests: at line 1, delete "specific functions in".

In claim 10, at line 2, the alternative expression "and/or" renders the claim indefinite. The examiner suggests that this be changed to "or".

In claim 10, the terms "the load-carrying platform" (line 2), "the cabin" (line 4), "the brakes" (line 6), and "the gearbox" (line 6) lack proper antecedent basis.

In claim 12, the term "the parking brake" (line 2) lacks proper antecedent basis.

In claim 13, the terms "the parking brake" (lines 1-2) and "the engine" (line 2) lack proper antecedent basis.

In claim 18, the term "the parking brake" (line 3) lack proper antecedent basis.

In claim 18, at line 3, the phrase "its activation" is indefinite because it is unclear which element "its" refers to.

In claim 19, at line 1, the alternative expression "and/or" renders the claim indefinite. The examiner suggests that this be changed to "or".

In claim 19, the terms "the load-carrying platform" (line 2), "the brakes" (line 4) and "the gearbox" (line 7) lack proper antecedent basis.

In claim 19, at lines 5 and 6, the term "OLE_LINK1" is not understood.

In claim 20, the term "the first signal" lacks proper antecedent basis. Note that this term is recited in claim 19.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 4, 9, 10, 12-14, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmer (US 4,560,148). Palmer discloses a vehicle having a control lever 20 provided with a control switch 50. When the control switch 50 is activated, a control unit (see Fig. 2) activates a brake 40 and shifts a transmission 48 to neutral (see column 3, lines 50-55). A parking brake 44 is automatically applied when brake pressure is lost (see column 3, lines 11-19), e.g., when the engine is turned off.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (US 4,560,148). Palmer (discussed above) lacks a sensor for sensing movement of the gear shift lever. The examiner takes Official notice that such sensors are known in the transmission art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Palmer by providing a sensor for sensing movement of the gear shift lever so that the transmission can be electronically controlled and/or so that an indicator can be used to show the driver that the transmission is engaged/disengaged.

13. Claims 1-5, 8-10, 12-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuritani et al. (JP 61046723) in view of Palmer (US 4,560,148). Kuritani et al. discloses a dump truck having a dump control lever 35 located on a panel in the cabin of the dump truck adjacent to the steering wheel (see Fig. 1). Kuritani et al. lacks an actuator for activating a brake and shifting a transmission to neutral. Palmer teaches a vehicle having a control lever 20 provided with a control switch 50. When the control switch 50 is activated, a control unit (see Fig. 2) activates a brake 40 and shifts a transmission 48 to neutral (see column

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3, lines 50-55). Further, a parking brake 44 is automatically applied when brake pressure is lost (see column 3, lines 11-19), e.g., when the engine is turned off. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuritani et al. by providing the control switch and control unit, taught by Palmer, in order to provide for easier and more comfortable control of the vehicle.


Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moberg, Goode and Shore teach systems for activating brakes and neutralizing transmissions.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 703-308-1377. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Peter C. English 10/20/03
Primary Examiner
Art Unit 3616

pe
20 October 2003